

# **Constitution of the AFL-CIO**

**Amended at the  
AFL-CIO 28th  
Constitutional  
Convention  
Oct. 22–25, 2017**



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## **Preamble**

The American Federation of Labor and Congress of Industrial Organizations is an expression of the hopes and aspirations of the working people of America.

We resolve to fulfill the yearning of the human spirit for liberty, justice and community; to advance individual and associational freedom; to vanquish oppression, privation and cruelty in all their forms; and to join with all persons, of whatever nationality or faith, who cherish the cause of democracy and the call of solidarity, to grace the planet with these achievements.

We dedicate ourselves to improving the lives of working families, bringing fairness and dignity to the workplace and securing social equity in the Nation. We will prevail by building a strong, free and democratic labor movement.

We will organize workers into unions allied by common purposes and mutual reliance. We will recruit generations of organizers, amass resources to sustain their efforts and inspire workers to achieve dignity and security through organization and collective bargaining. We will generate broad understanding of the necessity of organizing among our members, our leaders and all unorganized workers.

We will give political voice to workers in the Nation. We will fight for an agenda for working families at all levels

## **Preamble**

of government. We will assemble a broad progressive coalition for social and economic justice. We will create a political force within the labor movement that will speak forcefully and persuasively on the public issues that affect our lives.

We will enable workers to shape a changing global economy. We will speak for working people in the international marketplace, in the industries in which we are employed, and in the firms where we work. We will expand the role of unions to securing worker influence in all the decisions that affect our working lives, from capital investment to the quality of products and services to how work itself is organized.

We will establish unions as active forces in our communities. We will make the voices of working families heard in our neighborhoods. We will create vibrant state, local and community labor councils. We will strengthen the ties of labor with our allies. We will speak out effectively and creatively on behalf of all working Americans.

With confidence and trust in the inherent power and goodness of our people and in the virtue and promise of unionism, we proclaim this Constitution.

## **Article I: Name**

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall conform to its constitution and the rules and regulations adopted thereunder.

## **Article II: Objects and Principles**

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.
2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.
3. To affiliate national and international unions with this

## Article II: Objects and Principles

Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state, area and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; and to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin, religion, age, disability, sexual orientation, gender identity, or gender expression to share equally in the full benefits of union organization.
5. To secure legislation that will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.
6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.
7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and



cooperate with free and democratic labor movements throughout the world.

8. To preserve and maintain the integrity of each affiliated union by fostering respect for the established bargaining and work relationships of every other affiliate and providing that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate.
9. To encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.
10. To aid and encourage the sale and use of union-made products and union-supplied services through the union label and other symbols and by other means.
11. To promote labor's print and broadcast media and other means of communications in order to foster worker education and public awareness and support of the labor movement.
12. To protect the labor movement from any and all corrupt influences and from the undermining efforts of authoritarianism, totalitarianism, terrorism and all

## **Article III: Affiliates**

other forces that suppress individual liberties and freedom of association and oppose the basic principles of our democracy and of free and democratic unionism.

13. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.
14. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the local, state and national communities.

## **Article III: Affiliates**

### **Section 1**

The Federation shall be composed of: (1) national and international unions that are affiliated with, but are not subordinate to, or subject to the general direction and control of, the Federation; and (2) the following categories of organizations that are subordinate bodies of the AFL-CIO subject to the kind and degree of Federation direction and control provided for in this Constitution: (a) organizing committees; (b) directly affiliated local unions and national councils thereof; (c) state, area and local central bodies; and (d) trade and industrial departments.

## **Section 2**

Every affiliate that operated at the time of the merger between the AFL and the CIO with a charter or certificate of affiliation issued by either federation has, by virtue of the merger, retained and enjoyed the same organizing jurisdiction in this Federation that it had and enjoyed prior to the merger. In cases of conflicting and duplicating jurisdictions the President and the Executive Council shall seek to eliminate such conflicts through the process of voluntary agreement or voluntary merger between the affiliates involved.

## **Section 3**

Every affiliate that operated at the time of the merger between the AFL and the CIO with a charter or certificate of affiliation issued by either federation has, by virtue of the merger, been conferred with a charter or certificate of affiliation from the AFL-CIO and become subject to this Constitution and the AFL-CIO's rules and regulations.

## **Section 4**

(a) The Executive Council may issue additional charters or certificates of affiliation to other organizations desiring to affiliate with this Federation. This power may be delegated to the President. Charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions,

### **Article III: Affiliates**

and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

**(b)** Where the Executive Council determines that it would be necessary or appropriate to subject the approval of a charter to one or more future conditions, the Executive Council may issue a provisional charter. In such cases, the provisional status of the charter shall be removed following a specified period of time not to exceed three years, and the affiliation shall thereupon be deemed permanent, absent a vote of the Executive Council to revoke the charter.

### **Section 5**

**(a)** Except as otherwise provided in this Constitution, no national or international union chartered by or affiliated with this Federation may be suspended from the Federation except by a majority roll call vote at the convention. A suspension imposed by a convention may be terminated in accordance with Article X, Section 14.

**(b)** Except as provided in Section 4(b) of this Article, no national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds roll call vote at the convention. A revoked charter or certificate of affiliation may be restored by either a two-thirds roll call vote of the convention or a two-thirds

vote of the Executive Council if it is determined that the organization is conducting its affairs in a manner consistent with the obligations of an AFL-CIO affiliate.

### **Section 6**

No organization that is unaffiliated with, or is suspended from, this Federation, and no affiliate or subordinate body of such an organization, shall, while unaffiliated or suspended, be allowed representation or recognition in the AFL-CIO, in any subordinate body of the AFL-CIO, or in any national or international union or organizing committee affiliated with the AFL-CIO. Any affiliate violating this section shall be subject to suspension from the AFL-CIO.

### **Section 7**

No organization officered, controlled or dominated by persons whose policies and activities are consistently directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association shall be permitted as an affiliate of the Federation or any of its state or local central bodies.

### **Section 8**

Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation. Accordingly the AFL-CIO shall implement a

## **Article IV: Convention**

proactive, industry-based strategic merger policy as adopted by the AFL-CIO Convention delegates and is hereby authorized to take all necessary steps to effectuate its terms.

## **Article IV: Convention**

### **Section 1**

The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

### **Section 2**

The regular conventions of the Federation shall be held every four years at a time during the last six months of the year. The time and the place for holding the regular conventions shall be designated by the Executive Council, which shall give at least 90 days' notice of the time and place designated.

### **Section 3**

(a) Special conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of national and international unions representing a majority of the total membership of the Federation, as calculated for purposes of representation at the previous convention.

(b) In the event a special convention has been called all affiliated organizations shall be given at least 30 days'

notice, together with a statement of the particular subjects to be considered at such convention.

(c) Representation at special conventions shall be on the same basis and subject to like qualifications and procedure governing regular conventions.

(d) A special convention shall be clothed with like authority and power conferred upon regular conventions, its decisions shall be equally binding and it shall be governed by the same procedure applicable to regular conventions; however, such special conventions shall be limited solely to the subjects specifically and definitely indicated in the call for such special convention.

#### **Section 4**

(a) Each national or international union and organizing committee shall be entitled to the number of delegates indicated in the following scale:

|                       |             |
|-----------------------|-------------|
| Zero to 4,000 members | 1 delegate  |
| Over 4,000 members    | 2 delegates |
| Over 8,000 members    | 3 delegates |
| Over 12,000 members   | 4 delegates |
| Over 25,000 members   | 5 delegates |
| Over 50,000 members   | 6 delegates |
| Over 75,000 members   | 7 delegates |
| Over 125,000 members  | 8 delegates |
| Over 175,000 members  | 9 delegates |

## **Article IV: Convention**

plus one additional delegate for each 75,000 members over 175,000. Each national or international union and organizing committee delegation shall generally reflect the racial and gender diversity of its membership.

**(b)** Each directly affiliated local union and each trade and industrial department shall be entitled to one delegate. Each state, area or local central body shall be entitled to one delegate. Directly affiliated local unions, with the approval of the President, may combine with other such unions within a reasonable distance to elect a single delegate to represent such unions.

### **Section 5**

Each national or international union, organizing committee, directly affiliated local union, state, area or local central body and trade and industrial department shall be entitled to alternate delegates. Such alternate delegates shall meet the same eligibility requirements as apply to delegates, and they shall be elected or otherwise designated, and their names submitted to the Secretary-Treasurer, by the same dates as for delegates. An alternate delegate shall have no voice, vote or other standing at any convention unless and until he or she replaces a delegate.

### **Section 6**

Delegates to a regular convention shall be elected or otherwise designated by the affiliate at least 30 days prior to the convention, except in cases in which the convention of



the affiliate meets within this 30-day period. The names of the delegates shall be submitted to the Secretary-Treasurer immediately after their selection, and in no event later than 20 days prior to the convention.

**Section 7**

No affiliate that, at the opening date of the convention, is in arrears to the Federation for per capita tax or assessments for two months or more shall be entitled to recognition or representation in the convention.

**Section 8**

No organization shall be entitled to representation unless such organization has applied for and obtained a certificate of affiliation at least 30 days prior to the convention, and no person shall be recognized as a delegate who is not a member in good standing of the organization he or she is selected to represent.

**Section 9**

(a) The number of members of each national and international union and organizing committee for the purpose of selecting delegates and for roll call votes, and the number of members of each directly affiliated local union for roll call votes, at the convention shall be the average monthly number on which per capita tax is paid for the 24-month period ending with the last calendar month occurring before the 90th day preceding the opening date of the convention.

#### **Article IV: Convention**

(b) Where, during that 24-month period, two affiliates have merged, the per capita payments made by the two affiliates prior to the merger shall be used in making the calculation called for by the prior sentence.

(c) Except as otherwise provided herein, where affiliation has occurred during the 24-month period, the average shall be computed from the month of affiliation, and the number of members shall be deemed to be one twenty-fourth of such average multiplied by the number of months for which per capita tax has been paid.

(d) Where affiliation has occurred during the 24-month period, where, prior to affiliation, the newly chartered affiliate was a component part of another affiliate, and unless the affected affiliates agree to a different division, for the period prior to the division of the pre-existing affiliate each of the affiliates in question shall be credited with the average monthly number of members on which the pre-existing affiliate paid per capita tax multiplied by a fraction whose numerator is the number of members on which the affiliate paid per capita tax during the first month after the pre-existing affiliate divided, and whose denominator is the total number of members on which both affiliates pay per capita tax during the first month after the division.

(e) The Secretary-Treasurer shall prepare for the use of the convention and submit to it a printed list showing the number of votes and the number of delegates to which each affiliate is entitled.

**Section 10**

The President shall appoint, in consultation with the Executive Council, prior to the convention, such committees as are necessary to conduct the affairs of the convention. Such committees may meet before the convention and shall proceed to consider all resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted to the convention, and shall report on them to the convention.

**Section 11**

(a) All resolutions, constitutional amendments, appeals, petitions, reports and memorials must be received by the Secretary-Treasurer 30 days prior to the convention; except in instances where proposals have been approved at a regular convention of a national or international union, state central body or national trade and industrial department held during this 30-day period, or where the matters appealed from have occurred during this 30-day period, in which event such proposals or appeals shall be received up to the day before the convention.

(b) All resolutions, constitutional amendments, appeals, petitions, reports and memorials received after the times stipulated in subsection (a) above or during the convention shall be referred to the convention, which shall consider them only upon unanimous consent.

(c) All resolutions, constitutional amendments, appeals,

#### **Article IV: Convention**

petitions, reports and memorials submitted by directly affiliated local unions shall be referred to the Executive Council. The Executive Council shall advise the convention of its disposition of such proposals.

**(d)** All resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted by a state central body must first be approved at its previous convention or at a meeting of its executive board.

**(e)** All resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted by an area or local central body must first be approved at its regularly constituted delegate meeting.

**(f)** The President shall classify each timely received resolution, constitutional amendment, appeal, petition, report and memorial as to its nature, contents and subject matter, and he or she shall refer it to an appropriate committee. The committee shall report on the proposal to the convention prior to the convention's consideration of it.

**(g)** The President shall distribute copies of all timely received resolutions, constitutional amendments, appeals, petitions, reports and memorials to the delegates at the opening session of the convention or as soon afterward as is practical, but before the convention considers them.

**(h)** Notwithstanding subsections (a) and (b), the Executive

Council may present resolutions, constitutional amendments, appeals, petitions, reports and memorials to the convention at any time without requiring unanimous consent.

**Section 12**

Not less than 60 days prior to each regular convention, the Secretary-Treasurer shall notify each affiliate of its delegate allotment. Each affiliate shall designate and certify its delegates as required by the Secretary-Treasurer. Subject to Section 6 of this Article, no designation or certification of delegates shall be accepted later than 20 days prior to the convention except for good cause.

**Section 13**

Prior to the convention, the Executive Council shall meet and constitute itself or a subcommittee as the Credentials Committee for the convention. Appeals from its decisions may be made to the floor of the convention. The convention shall not be constituted for business until after the Credentials Committee shall have examined and reported on credentials of all delegates present at the scheduled time at the opening session of the convention.

**Section 14**

All members of the Executive Council who are not elected as delegates shall be ex-officio delegates to the convention with all the rights and privileges of elected delegates, but without vote.

## **Article IV: Convention**

### **Section 15**

Fraternal delegates shall be entitled to all the rights of delegates but shall not be entitled to vote.

### **Section 16**

At the opening of the convention the President shall take the chair and call the convention to order, and preside during its sessions.

### **Section 17**

One-fourth of the delegates seated at the convention shall constitute a quorum for the transaction of business.

### **Section 18**

Questions may be decided by voice vote, rising vote, counted rising vote, or, upon the request of 30 percent of the delegates present, by a roll call vote. Upon such roll call each delegate representing affiliated national or international unions, organizing committees and directly affiliated local unions shall be entitled to cast one vote for every member whom the delegate represents. Each state, area and local central body and trade and industrial department shall be entitled to one vote.

### **Section 19**

The rules and order of business governing the preceding convention shall be enforced from the opening of the convention until new rules have been adopted by action of the convention.

## **Section 20**

Unless otherwise specified, any action taken by the convention shall take effect immediately upon adoption.

# **Article V: Officers**

## **Section 1**

The officers shall consist of a President, a Secretary-Treasurer and an Executive Vice President, who shall be the Executive Officers, and 55 Vice Presidents; provided that between conventions the Executive Council shall have the power in the event of either an affiliation with the AFL-CIO of a presently unaffiliated national or international union, or the arising of other circumstances that implicate the solidarity of the labor movement, to create one or more additional Vice Presidencies pending the next regular election of Vice Presidents and to select members to fill those positions until the next regular election; provided further that the number of such additional Vice Presidencies shall not exceed eight.

## **Section 2**

(a) Each officer shall be a member of an affiliated organization.

(b) In the event a Vice President, during his or her term, ceases to hold office in the organization of which the Vice President is a member, the organization may request, in writing, that the position of that Vice President be declared vacant, and the Executive Council shall grant the request.

## **Article V: Officers**

### **Section 3**

The Executive Officers shall maintain the national headquarters of the Federation at Washington, D.C.

### **Section 4**

The Executive Officers shall, by virtue of their office, hold title to the real estate of the Federation as trustees for the Federation.

### **Section 5**

(a) The President, Secretary-Treasurer, and Executive Vice President, or any one of them, after having served five years as an Executive Officer of the Federation and either having reached age 65 or having served in any capacity a total of 20 years with any organization affiliated with the Federation, and/or with the Federation, shall, upon leaving office, have the title of President Emeritus or Emerita, Secretary-Treasurer Emeritus or Emerita and Executive Vice President Emeritus or Emerita and shall render such service to the Federation in an advisory and consultative status as is mutually agreed to by the Executive Council and the emeritus or emerita officer.

(b) The President Emeritus or Emerita, Secretary-Treasurer Emeritus or Emerita and Executive Vice President Emeritus or Emerita shall, in consideration of their active service prior to leaving office, be afforded for life a pension, payable weekly, in an annual amount equal to 60 percent of either the highest annual salary received as an Executive Officer



or thereafter paid to the corresponding Executive Officer, whichever is greater. If, after attaining eligibility for this pension, such Executive Officer shall die, either before or after receiving such pension, the Officer's surviving spouse shall be paid an annual annuity for life, payable in weekly installments, of 30 percent of either the highest salary received by such Executive Officer, as an Executive Officer, or thereafter paid to the corresponding Executive Officer, whichever is greater. The Executive Council is authorized and directed to enter into a legal and binding agreement with the President, the Secretary-Treasurer, and the Executive Vice President to make these retirement compensation and annuity benefits payable by the Federation for their intended duration pursuant to the terms and conditions of this Section. The Executive Council is also authorized to provide, after such benefits become non-forfeitable, for (1) the cash-out of a portion of these retirement compensation and annuity benefits (through accelerated payment of the present value thereof) where the officer will be subject to taxes on the value of benefits not yet otherwise payable, and (2) appropriate arrangements, including payment by the Federation, for payment of employment taxes attributable to these retirement compensation and annuity benefits. Notwithstanding the foregoing, the Executive Council is authorized to modify or eliminate the benefits provided in this section.

## **Section 6**

No individual shall be eligible to serve either as an Executive Officer or as a member of the Executive Council who consistently pursues policies and activities directed toward

## **Article VI: Elections**

the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association.

### **Section 7**

The Executive Officers shall be bonded for the faithful performance of their duties in such amounts as may be determined by the Executive Council.

## **Article VI: Elections**

### **Section 1**

(a) The officers shall be elected at every regular quadrennial convention.

(b) If there is only one nominee for any Executive Office the nominee shall be declared elected and there shall be no election conducted for that office. If the number of nominees for the offices of Vice President does not exceed the number of Vice Presidents to be elected, the nominees shall be declared elected and there shall be no election conducted for those offices.

(c) The election for any office as to which there are more nominees than positions to be elected shall be conducted by written ballot, with each affiliate having the number of votes to which it is entitled on a roll call vote, as provided in Article IV.

**(d)** Nominations and elections shall take place at such date and time as established by the delegates on the first day of the convention by majority vote.

**(e)** The Executive Officers shall be elected by majority vote. In the event that more than two candidates are nominated for President, Secretary-Treasurer or Executive Vice President, and no one candidate receives a majority of the votes cast, all except the two candidates receiving the highest votes shall be eliminated from the list of candidates and a second vote taken.

**(f)** The Vice Presidents shall be elected by plurality vote, and the 55 candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote shall be taken only among the candidates whose tie prevented the election of 55 Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Any slate for vice presidential candidates presented to the convention during the nomination process shall devote no fewer than 15 positions to carrying out the commitment to an Executive Council that is broadly representative of the diversity of the membership of the labor movement, including its women members and its members of color. Each ballot must, to be valid, be voted for 55 candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting.

**(g)** The ballot shall be signed by the delegate voting and shall show the affiliate and the voting strength of the del-

## **Article VI: Elections**

egate. If an affiliate votes by bloc, the ballot shall be signed by the chair of the delegation and shall show the affiliate and its voting strength.

(h) Each candidate may designate an observer who may be present during the tabulation of the signed ballots.

(i) The results of the election, including each delegate's vote, shall become an official part of the convention record.

### **Section 2**

Each officer elected at the convention shall take office immediately upon his or her election and shall serve until his or her successor is elected.

### **Section 3**

(a) In the event of a vacancy in the office of either the President or the Secretary-Treasurer by reason of death, resignation, or otherwise, the remaining Executive Officer, other than the Executive Vice President, shall perform the duties of the vacant office until a successor is elected. Such Executive Officer shall issue, within 10 days of the date of the vacancy, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing a successor to fill the vacancy for the unexpired term.

(b) In the event of a vacancy in the office of Executive Vice President by reason of death, resignation, or otherwise, the Secretary-Treasurer shall perform the duties of the Executive Vice President until a successor is elected. The Presi-

dent shall issue, within 10 days of the date of the vacancy, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing a successor to fill the vacancy for the unexpired term.

(c) In the event of simultaneous vacancies in two of the three Executive Offices, the remaining Executive Officer shall perform the duties of the vacant offices until successors are elected. The remaining Executive Officer shall issue, within 10 days of the date of the vacancies, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing successors to fill the vacancies for the unexpired terms.

(d) In the event of simultaneous vacancies in all three Executive Offices, the senior Vice President shall perform the duties of the vacant offices until successors are elected. The senior Vice President shall issue, within 10 days of the date of the vacancies, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing successors to fill the vacancies for the unexpired terms.

#### **Section 4**

In the event of a vacancy in the office of Vice President by reason of death, resignation, or otherwise, the Executive Council shall have the power to fill the vacancy by majority vote of all its members for the remainder of the unexpired term, consistent with the Federation's goal of achieving an Executive Council that is broadly representative of

## **Article VII: President**

the diversity of the membership of the labor movement, including its women members, its members of color, and young members.

### **Section 5**

In furtherance of the Federation's goal of achieving an Executive Council that is broadly representative of the diversity of the membership of the labor movement, including its women members and its members of color, the Executive Council may create up to three additional vice presidencies and fill these positions with individuals who will increase the racial and gender diversity of the Council. Such additional vice presidencies shall expire at the next regular Convention.

## **Article VII: President**

### **Section 1**

The President shall be the chief executive officer of the Federation. He or she shall supervise the affairs of the Federation, sign all official documents and preside at regular and special conventions, and at meetings of the Executive Council and the General Board. He or she shall call meetings of the Executive Council at least twice each year.

### **Section 2**

The President shall have authority to interpret the Constitution between meetings of the Executive Committee, and his or her interpretation shall be conclusive and in full

force and effect unless reversed or changed by the Executive Committee, Executive Council or a convention.

**Section 3**

The President shall have special responsibility and authority to oversee the organizing work of the Federation as set forth in Article X, Section 9, and to provide the direction, staff, and resources necessary to conduct such activities.

**Section 4**

The President shall receive an annual salary as determined by the Executive Council, payable weekly. Each report of the Executive Council to a regular convention shall specify any action taken since the preceding report pursuant to this provision and the President's annual salary as adjusted at the time of the report.

**Section 5**

The President shall direct the appointment, compensation, supervision, suspension and removal of organizers, representatives, agents and employees of the Federation.

**Section 6**

The President shall report on the administration of his or her office and the affairs of the Federation to the convention through the report of the Executive Council.

## **Article VIII: Secretary-Treasurer**

### **Section 1**

The Secretary-Treasurer shall be the chief financial officer of the Federation and shall receive and collect all moneys due the Federation, which moneys shall be paid out only on the approval of the President.

### **Section 2**

The Secretary-Treasurer shall be in charge of and preserve all moneys, properties, securities and other evidences of investment, books, documents, files and effects of the Federation which shall at all times be subject to the inspection of the President and the Executive Council.

### **Section 3**

The Secretary-Treasurer shall issue the call for and act as secretary at conventions, and shall cause the proceedings of all conventions and all sessions of the Executive Council and the General Board to be recorded.

### **Section 4**

It shall be the duty of each national and international union, organizing committee, trade and industrial department, state, area and local central body and directly affiliated local union to furnish the Secretary-Treasurer a copy of all official reports issued by them with a statement of their membership in good standing, and to furnish such additional statis-



tical data in their possession relating to the membership as may be called for by the Secretary-Treasurer.

**Section 5**

The Secretary-Treasurer shall report to the convention through the report of the Executive Council.

**Section 6**

The Secretary-Treasurer shall receive an annual salary as determined by the Executive Council, payable weekly. Each report of the Executive Council to a regular convention shall specify any action taken since the preceding report pursuant to this provision and the Secretary-Treasurer's annual salary as adjusted at the time of the report.

**Section 7**

The Secretary-Treasurer shall provide annually a financial statement of the Federation to all affiliated national and international unions, organizing committees, directly affiliated local unions and state, area and local central bodies.

**Section 8**

The Secretary-Treasurer shall provide for an annual audit of all books, accounts, records and financial transactions of the Federation by an independent public accountant. Such audits shall be furnished to the Executive Council and a biennial audit shall be furnished to the convention.

## **Article IX: Executive Vice President**

### **Section 9**

The Secretary-Treasurer shall, under the direction and instructions of the Executive Council, invest the surplus funds of the Federation in sound securities or deposit the same in a bank or banks.

## **Article IX: Executive Vice President**

### **Section 1**

The Executive Vice President shall aid the President in performing the duties of chief executive officer of the Federation and shall act on behalf of the President when requested to do so. The Executive Vice President shall administer those departments, functions, and responsibilities assigned by the President.

### **Section 2**

The Executive Vice President shall receive the same compensation and benefits as the Secretary-Treasurer, including any increases that may be granted to the Secretary-Treasurer by the Executive Council between conventions. Each report of the Executive Council to a regular convention shall specify any action taken since the preceding report pursuant to this provision and the Executive Vice President's annual salary as adjusted at the time of the report.

**Section 3**

The Executive Vice President shall report on the administration of the office to the convention through the report of the Executive Council.

**Article X: Executive Council**

**Section 1**

The Executive Council shall consist of the President, the Secretary-Treasurer, the Executive Vice President and the Vice Presidents.

**Section 2**

The Executive Council shall be the governing body of this Federation between conventions. It is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully and adequately the decisions and instructions of the conventions and to enforce the provisions contained in this Constitution. Between conventions it shall have the power to direct the affairs of the Federation and to take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the Federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose.

## **Article X: Executive Council**

### **Section 3**

The Executive Council shall meet upon the call of the President at least twice each year at a time and place designated by the President.

### **Section 4**

A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Council.

### **Section 5**

The Executive Council shall monitor legislative measures directly affecting the interests of working people, and shall initiate legislative action as appropriate.

### **Section 6**

The Executive Council shall prepare and present to each regular convention a report of all matters of interest to the convention and of the activities of the Federation between conventions.

### **Section 7**

The Executive Council shall have power to make rules to govern matters consistent with this Constitution.

### **Section 8**

(a) It is a basic principle of this Federation that it must be and remain free from any and all corrupt influences and from the undermining efforts of authoritarianism, totali-

tarianism, terrorism and other forces that suppress individual liberties and freedom of association and oppose the basic principles of our democracy and of free and democratic trade unionism.

**(b)** The Executive Council, when requested to do so by the President or by any other member of the Executive Council, shall have the power to conduct an investigation, directly or through an appropriate standing or special committee appointed by the President, of any situation in which there is reason to believe that any affiliate is dominated, controlled or substantially influenced in the conduct of its affairs by any corrupt influence, or that the policies or activities of any affiliate are consistently directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association and oppose the basic principles of free and democratic trade unionism.

**(c)** Upon the completion of such an investigation, including a hearing if requested, the Executive Council shall have the authority to make recommendations or give directions to the affiliate involved and shall have further authority, upon a two-thirds vote, to suspend any affiliate found guilty of a violation of this section.

**(d)** Any action of the Executive Council under this section may be appealed to the convention; provided, however,

## **Article X: Executive Council**

that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

### **Section 9**

(a) Subject to the provisions of Article III, Section 4, the Executive Council shall use every possible means to assist affiliated unions in the organization of the unorganized and to organize new national and international unions, organizing committees, and directly affiliated local unions.

(b) Until such time as it is feasible to form a new national or international union composed of directly affiliated local unions or to affiliate such unions with an existing affiliated national or international union within whose jurisdiction they might properly come, the Executive Council may group such directly affiliated local unions, in a particular craft or industry, into national councils or organizing committees that shall be under the direct supervision and control of the Executive Council and the President.

### **Section 10**

In carrying out this Article the Executive Council shall recognize that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization and that all workers, whatever their race, color, creed, sex, national origin, religion, age, disability or sexual orientation, are entitled to share in the full benefits of trade union organization.

### **Section 11**

The Executive Council, at the request of and in consultation with affiliated unions, shall have the authority to establish Industry Coordinating Committees in industries (or geographic, employer-based, occupational or other appropriate subdivisions thereof) strategically important to labor movement growth, for such term and in accordance with principles, rules and procedures as established by the Executive Council.

### **Section 12**

The Executive Council shall have the power to file charges and conduct hearings on such charges against any Executive Officer of the Federation or other member of the Executive Council on the ground that such person is guilty of malfeasance or maladministration, and to make a report to the convention recommending appropriate action. The Executive Council must serve such officer with a copy of the written charges within a reasonable time before the hearing.

### **Section 13**

The Executive Council shall have the further power to refuse to seat or to remove from office any member of the Executive Council, or to remove from office any officer, who is found by the Council, by a two-thirds vote after notice and hearing, to be ineligible to serve under the provisions of Article V, Section 6. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

## **Article X: Executive Council**

### **Section 14**

In any case in which an affiliate has been suspended by the convention, or by a two-thirds vote of the Executive Council in the cases set forth in Section 8 of this Article, and in which it is shown that the cause for such suspension no longer exists, the Executive Council shall have the power, upon a two-thirds vote, to terminate such suspension.

### **Section 15**

No affiliated national or international union or organizing committee shall be permitted to change its title or name without first having obtained the consent and approval of the Executive Council or the convention.

### **Section 16**

The Executive Council shall be authorized to reimburse members of the Council for necessary expenses in performing their duties for the Federation.

### **Section 17**

The Executive Council shall be authorized by a two-thirds vote to: **(i)** adopt an ethical practices code that covers the executive officers and employees of the AFL-CIO and the state, area and local central bodies and to establish an appropriate enforcement system and appropriate sanctions for violations of such code; and **(ii)** require trade and industrial departments and national and international unions affiliated with the AFL-CIO to adopt and enforce within their own organizations ethical practices codes that are consistent with the AFL-CIO code and to estab-



lish appropriate sanctions for non-compliance with this requirement. In the event the sanctions provided for by the Executive Council include suspension from the AFL-CIO or from AFL-CIO office, that sanction may be imposed only by a two-thirds vote of the Council after an appropriate hearing.

### **Section 18**

(a) There shall be an Executive Committee of the Executive Council, chaired by the President.

(b) The Executive Committee shall be comprised of a Vice President from each of the 10 largest affiliates (as determined on February 1 of each year based on the average monthly number of members on which per capita tax was paid for the prior calendar year), the three Executive Officers (who, except for the President, shall be ex-officio and nonvoting members) and up to nine additional Vice Presidents from affiliates not otherwise represented on the Committee, who shall be appointed each year by the President, in consultation with the Executive Committee and with the approval of the Executive Council, to ensure that the Committee reflects the diversity of the labor movement, including its women members and members of color, as well as its sectoral breadth. In the event of an affiliation with the AFL-CIO of a presently unaffiliated national or international union, the President may, in consultation with the Executive Committee and with the approval of the Executive Council, expand the Executive Committee by one or more Vice Presidents.

## **Article X: Executive Council**

(c) The Executive Committee shall be the governing body of this Federation between meetings of the Executive Council. It is authorized to establish the annual budget for the Federation, upon the Finance Committee's recommendation. The Executive Committee shall make recommendations to the Executive Council regarding proposed voluntary mergers of national and international unions, and shall consider and recommend new charters for approval by the Executive Council in accordance with Article III, Section 4.

(d) The Executive Committee shall meet upon the call of the President at least four times each year at a time and place designated by the President.

(e) A majority of the members of the Executive Committee shall constitute a quorum for the transaction of the business of the Committee.

(f) The Executive Committee shall report to the Executive Council on its activities and recommendations.

### **Section 19**

There shall be an Appeals Committee of the Executive Council, composed of five Vice Presidents appointed by the President with the approval of the Executive Council. The Appeals Committee shall hear and decide such matters as are designated in this Constitution and as the Executive Council directs.

## **Article XI: General Board**

### **Section 1**

The General Board shall consist of all of the members of the Executive Council and the principal officer of each affiliated national or international union, the principal officer of each trade and industrial department, a representative of each national constituency organization, allied retiree organization, and young worker organization recognized by the Federation, a representative of each chartered national community affiliate, and regional representatives of the state, area and local central bodies selected by the Executive Council pursuant to a system promulgated by the Council. Each General Board member shall be a member of an affiliated organization.

### **Section 2**

The General Board shall meet at least once during each four-year convention cycle, upon the call of the President or the Executive Council.

### **Section 3**

The General Board shall decide all policy questions referred to it by the Executive Officers or the Executive Council.

### **Section 4**

Questions shall be decided in accordance with the applicable provision of Article IV, Section 18 with the principal

## **Article XII: Trade and Industrial Departments**

officer of each affiliated national or international union casting votes in the number of its members, the principal officer of each department casting one vote, the representative of each constituency organization, allied retiree organization, young worker organization and chartered national community affiliate casting one vote and the regional representatives of the state, area and local central bodies casting one vote each. The number of members of each national or international union on a roll call vote shall be deemed to be the number of members represented at the last preceding convention except in the case where affiliation has occurred subsequent to such convention or within a 24-month period prior to and including the second month preceding such convention. In such cases the number of members of such affiliate shall be deemed to be one twenty-fourth of the average membership for which per capita tax was paid multiplied by the number of months, prior to the meeting of the General Board, for which such tax was paid.

## **Article XII: Trade and Industrial Departments**

### **Section 1**

The Trade and Industrial Departments shall be subordinate to the Federation and shall consist of the following: Building and Construction Trades Department; Maritime Trades Department; Metal Trades Department; Department for Professional Employees; Transportation Trades

Department; Union Label and Service Trades Department; and such other departments as may be established by the Executive Council or the convention. Each department is to manage and finance its own affairs and may establish local councils of departments. Affiliation to the departments in the Federation shall be open to all appropriate affiliated national and international unions and organizing committees.

### **Section 2**

To be entitled to representation in any department, national and international unions and organizing committees eligible to join it must first be and remain in affiliation to the Federation.

### **Section 3**

To be entitled to representation in local councils of departments, local unions are required to be part of affiliated national and international unions and organizing committees affiliated to departments or to be directly affiliated to the Federation.

### **Section 4**

The fundamental laws and procedure of each department are to conform to and be administered in the same manner as the laws and procedure governing the Federation. No department or local council of the same shall enact laws, rules or regulations in conflict with the laws and procedure governing the Federation, and in the event of change of

## **Article XII: Trade and Industrial Departments**

laws, rules, regulations and procedures of the latter, departments and local councils are to change their laws, rules and regulations to conform to them.

### **Section 5**

Each department is to be considered an official method of the Federation for transacting the portion of its business indicated by the name of the department, in consequence of which affiliated and eligible organizations should be part of their respective departments and should comply with the actions and decisions of such departments, subject to appeal to the Executive Council and the convention. An organization affiliated with one or more departments shall pay per capita tax to each such department upon the number of members whose occupation comes under such department.

### **Section 6**

The officers of the various departments shall, during years in which an AFL-CIO convention is held, submit a report of the work done by their department and its general condition to the President for inclusion in the Executive Council report to the convention, and shall, during years in which a convention is not held, submit such a report to the President for presentation to an Executive Council meeting designated by the President.

### **Section 7**

The chief executive officer of each department shall be present at all regular meetings of the Executive Council.

**Section 8**

Departments of the Federation shall have their headquarters in Washington, D.C., and in the headquarters of the Federation unless permitted to locate elsewhere.

**Article XIII: Committees and Staff  
Departments**

**Section 1**

The President, with the approval of the Executive Council, shall create such committees as may be necessary or advisable in order to pursue the objects of the Federation and develop and implement policies of the Executive Council. Committees shall be composed of Executive Council members and such other persons as the President appoints.

**Section 2**

Staff departments shall be established where appropriate under the direction of the President to function in the fields of activity described above and in such other fields as may be determined by the President, the Executive Council or the convention.

**Section 3**

The Committees and staff departments shall have adequate staff, which shall be under the general direction of the President.

## **Article XIV: State, Area and Local Central Bodies**

### **Section 1**

Central bodies subordinate to the Federation may be chartered upon a city, state or other regional basis as may be deemed advisable by the Executive Council and shall be composed exclusively of locals of national and international unions and organizing committees, affiliated with the Federation, directly affiliated local unions, local central bodies within the geographical limits of state and regional bodies, and such other subordinate bodies, constituent entities and allied retiree organizations as the Executive Council may determine are eligible for affiliation or other participation. The Executive Council shall also issue rules governing the creation and merger of central labor bodies.

### **Section 2**

(a) It shall be the duty of all national and international unions and organizing committees to instruct their local unions to join affiliated central labor bodies in their vicinity where such exist. Similar instructions shall be given by the Federation to all local unions affiliated directly to it.

(b) A national or international union may affiliate its entire membership with the appropriate state central bodies by paying to the AFL-CIO monthly a state central body national affiliation fee equal to 75 percent of the per capita tax charged by the various state bodies weighted to



reflect the distribution of the union's membership among the states. Beginning in January 2010, the national affiliation fee will be 80 percent, and the Executive Council is authorized to adopt future increases in the fee as circumstances warrant. If a union elects to pay this national affiliation fee, each local of that union (or other eligible subordinate body as determined by the Executive Council) will be entitled to membership in the appropriate state central body, and each of those locals will be entitled to full voting strength in its state central body. The national affiliation fees received by the AFL-CIO will be rebated to the state central bodies on the basis of their membership, per capita tax rates, and needs. The Executive Council shall establish procedures for calculating the amount of the fee due from any union electing to pay the national affiliation fee, for determining the voting strength of the union's locals within the various state central bodies, and shall take such other steps as are necessary to implement this section.

(c) The Executive Council is authorized to establish such programs, rules and procedures as it deems necessary or advisable to implement the Federation's policy of full participation and fair affiliation of local unions to central labor bodies and to achieve broad support for these organizations from local unions within their jurisdiction. The Executive Council is authorized to establish a minimum floor for affiliation with state federations by national union affiliates and a program for achieving at least this minimum, including an assessment on affiliates whose affiliation falls below the minimum floor. The Council is similarly authorized to

## **Article XIV: State, Area and Local Central Bodies**

establish a separate minimum floor, program and assessment for affiliation with area or central labor councils by national union affiliates. The Executive Council is further authorized to establish such programs, rules and procedures as it deems necessary or advisable to ensure effective performance by central labor bodies and coordination and integration of central labor body activities with each other and with the programs and priorities of the AFL-CIO and affiliated national and international unions. The Executive Council is further authorized to modify or phase out the program contained in Section 2(b) of this Article as part of any program, rule or procedure adopted under this Section.

### **Section 3**

The Executive Council shall issue rules governing the conduct, activities, affairs, finances and property of state, area and local central labor bodies and providing procedures for the discipline, including suspension, trusteeship and expulsion of such bodies or suspension or expulsion of their officers. Such rules shall define the powers of the President, or his or her designee, with respect to disciplinary action against state, area and local central labor bodies and their officers. They shall provide for notice and hearing in all cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such central labor bodies and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Appeals

Committee of the Executive Council, and shall also provide that decisions appealed from shall remain in full force and effect pending such appeal.

#### **Section 4**

Upon the dissolution, suspension or revocation of the charter or trusteeship over any state, area or local central body, all funds and property of any character shall revert to the Federation, which to the extent appropriate shall hold such funds and property in trust until such time that the organization may be reorganized and conform with the Constitution and laws of the Federation. It shall be the duty of the officers of a state, area or local central body that has been dissolved or whose charter has been suspended or revoked, or that has been placed under trusteeship, to deliver all funds and property to the President or his or her designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be reimbursed to the Federation from the funds and property recovered.

#### **Section 5**

The President shall establish an advisory committee comprised of representatives of state central bodies and an advisory committee comprised of representatives of area and local central bodies, which shall meet upon the call of the President at least twice each year at a time and place designated by the President.

## **Article XV: Directly Affiliated Local Unions, Organizing Committees and National Councils**

### **Section 1**

Subject to the provisions of Article III, Section 4, the Federation is authorized to issue charters and certificates of affiliation to organizing committees and directly affiliated local unions.

### **Section 2**

The Executive Council shall issue rules governing the conduct, activities, affairs, finances and property of organizing committees, national councils, and directly affiliated local unions, and governing the suspension, trusteeship or expulsion of such organizations. Such rules shall define the powers of the President, or his or her designee, with respect to disciplinary action against such organizations and their officers. They shall provide for notice and hearing in all cases in which such action is taken with respect to directly affiliated local unions, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such local unions and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Appeals Committee of the Executive Council and shall also provide

**Article XV: Directly Affiliated Local Unions, Organizing Committees and National Councils**

that decisions appealed from shall remain in full force and effect pending such appeals.

**Section 3**

Upon the dissolution, suspension or revocation of the charter or trusteeship of any such organizations, all funds and property of any character shall revert to the Federation, which to the extent appropriate shall hold such funds and property in trust until such time that the organization may be reorganized and conform with the Constitution and laws of the Federation. It shall be the duty of the officers of any such organization that has been dissolved or whose charter has been suspended or revoked, or that has been placed under trusteeship, to deliver all funds and property to the President or his or her designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be reimbursed to the Federation from the funds and property recovered.

**Section 4**

(a) The Executive Council shall combine directly affiliated local unions in related fields into national or international unions, organizing committees or national councils when such action is appropriate. Any directly affiliated local union or a group of such local unions may request the Executive Council to authorize such combination.

(b) When directly affiliated local unions are grouped into

## **Article XVI: Per Capita Taxes and Assessments**

an organizing committee, they shall become locals of the organizing committee. The organizing committee shall have the same status as a national or international union under this Constitution except that it shall be under the direct supervision and control of the Federation.

(c) When directly affiliated local unions are grouped into a national council, they shall remain local unions directly affiliated with the Federation.

## **Article XVI: Per Capita Taxes and Assessments**

### **Section 1**

A per capita tax shall be paid upon the full paid-up membership of each affiliated national or international union, organizing committee and directly affiliated local union.

### **Section 2**

Beginning with per capita payments for the month of January 2001, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 53 cents per member per month. Beginning with per capita payments for the month of July 2005, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 65 cents per member per month.

**Section 3**

The per capita payments with respect to categories of associate and retired membership a national or international union maintains for individuals who are not treated as regular members of the union with the full range of international union political rights accorded regular members, pay lesser dues than do individuals in the most comparable regular membership category, and receive less than the full range of the union's representation services shall be established by the Executive Council.

**Section 4**

Directly affiliated local unions shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax established by the Executive Council of not less than \$5.00 per member per month. Each directly affiliated local union shall also pay a portion, established by the Executive Council, of the initiation fee received by such union from its members, but such payment in no case shall be less than \$5.00 per member.

**Section 5**

Revenue may also be derived from assessments when and as ordered by a majority vote of a convention. The Executive Council may also declare an assessment not to exceed four cents per member per month on all affiliated unions for a period not to exceed six months in any one year when the interests of the Federation require and when funds available from per capita tax are insufficient

## **Article XVI: Per Capita Taxes and Assessments**

to meet the needs of the Federation, except that by a two-thirds vote the Council, or by a two-thirds vote pursuant to Article XI, Section 4 the General Board upon request of the Executive Officers or the Executive Council, may declare an assessment that exceeds four cents per member per month on all affiliated unions for a period to expire no later than the next regular convention when extraordinary circumstances require and when funds available from per capita tax are insufficient to meet those circumstances. In addition, the General Board, by a two-thirds vote pursuant to Article XI, Section 4, may increase the per capita tax.

### **Section 6**

Any affiliated organization that does not pay its per capita tax on or before the fifteenth of the month, and assessments when due and payable, shall be notified in writing of that fact by the Secretary-Treasurer. Any affiliated organization that is three months in arrears in payment of per capita tax or assessments, and is so notified in writing, shall, unless it has returned to good standing within 20 days of such notification, be suspended automatically from the Federation and can be reinstated only after such arrearages are paid in full.

### **Section 7**

Each affiliate, upon the issuance of a certificate of affiliation, shall pay to the Federation the sum of \$15.00.

### **Section 8**

The Executive Council may exonerate any national or



international union, organizing committee and directly affiliated local union from the payment of per capita tax or assessments due for any month upon a proper showing that, in the opinion of the Executive Council, good cause exists. Exonerated affiliates shall be regarded, for the purposes of this Constitution, as paid-up affiliates for the period of exoneration.

## **Article XVII: Amendments**

This Constitution can be amended or altered only by the convention, by a two-thirds vote of those present and voting, either by a voice vote, rising vote, counted rising vote, or roll call if properly demanded as provided in Article IV, Section 18.

## **Article XVIII and XIX:**

Article numbers XVIII and XIX reserved for future action.

## **Article XX: Settlement of Internal Disputes**

### **Section 1**

The principles set forth in this Article shall be applicable to all affiliates of this Federation, and to their local unions and other subordinate bodies.

**Section 2**

Each affiliate shall respect the established collective bargaining relationship of every other affiliate. No affiliate shall organize or attempt to represent employees as to whom an established collective bargaining relationship exists with any other affiliate. For purposes of this Article, the term “established collective bargaining relationship” means any situation in which an affiliate, or any local or other subordinate body thereof, has either (a) been recognized by the employer (including any governmental agency) as the collective bargaining representative for the employees involved for a period of one year or more, or (b) been certified by the National Labor Relations Board or other federal or state agency as the collective bargaining representative for the employees.

**Section 3**

(a) Each affiliate shall respect the established work relationship of every other affiliate. For purposes of this Article, an “established work relationship” shall be deemed to exist as to any work of the kind that the members of an organization have customarily performed at a particular plant or worksite, whether their employer is the plant operator, a contractor, or other employer. No affiliate shall by agreement or collusion with any employer or by the exercise of economic pressure seek to obtain work for its members as to which an established work relationship exists with any other affiliate, except with the consent of such affiliate.

(b) This section shall not be applicable to work in the railroad industry.

**Section 4**

(a) In the event that any affiliate believes that such special and unusual circumstances exist that it would be violative of its basic jurisdiction or contrary to basic concepts of trade union morality or to the constitutional objectives of the AFL-CIO or injurious to accepted trade union work standards to enforce the principles that would apply in the absence of such circumstances, such organization shall nevertheless observe such principles unless and until its claim of such justification is upheld.

(b) Any affiliate that claims such justification shall inform the President of the basis upon which the claim is made and the action the affiliate proposes to take.

(c) An Impartial Umpire, selected in accordance with Section 9 of this Article, shall conduct a hearing and shall find the facts, determine whether the proposed action would violate this Article in the absence of justification, and submit a report on these matters and a recommendation to the Executive Council as to whether or not the proposed action should be determined to be justified.

(d) The Executive Council, at either a regular meeting or a special meeting (which may be conducted by conference call), shall determine, in consideration of the report and recommendation of the Impartial Umpire and a presentation at such meeting by the affiliates involved concerning that report and recommendation, by a majority vote

## **Article XX: Settlement of Internal Disputes**

whether the proposed action would violate this Article in the absence of justification, and, in the event of its determination that it would, the Council shall determine by a two-thirds vote whether the proposed action is justified.

### **Section 5**

No affiliate shall, in connection with any organizational campaign, circulate or cause to be circulated any charge or report that is designed to bring or has the effect of bringing another affiliate into public disrepute or of otherwise adversely affecting the reputation of such affiliate or the Federation.

### **Section 6**

Dispute settlements and determinations under this Article shall not determine the general work or trade jurisdiction of any affiliate but shall be limited to the settlement or determination of the specific dispute on the basis of the facts and considerations involved in that dispute.

### **Section 7**

The President shall establish procedural rules for the handling of complaints under this Article so that all affiliates involved in or affected by a dispute will have notice of them, will have an opportunity for the voluntary settlement of the dispute, and, in the event of a failure to reach a voluntary settlement, will have a full and fair hearing before an Impartial Umpire. The rules shall be such as to ensure a speedy and early disposition of all complaints arising under this Article.

### **Section 8**

The President shall appoint a permanent mediator or mediators knowledgeable about the labor movement and with an ability to assist parties to disputes to resolve their differences amicably. Any affiliate that claims that another affiliate has violated this Article may, by its principal officer, file a complaint with the President. Upon receipt of such complaint the President shall designate the mediator and direct that all affiliates involved or affected meet with such mediator in an effort to effect a settlement. The mediator's terms of employment shall be established by the President with the approval of the Executive Council.

### **Section 9**

A panel of Impartial Umpires composed of prominent and respected persons shall be established. The members of the panel shall be selected by the President with the approval of the Executive Council. If voluntary settlement of a dispute is not reached within 14 days after the appointment of a mediator or mediators, a hearing shall be held before an Impartial Umpire selected from such panel. Impartial Umpires shall be assigned on a rotating basis, subject to their availability to conduct hearings. The terms of employment of the members of the panel shall be established by the President, with the approval of the Executive Council.

## **Article XX: Settlement of Internal Disputes**

### **Section 10**

The Impartial Umpire shall make a determination, after hearings, based upon the principles set forth in this Article. He or she shall make such determination within a time specified by the President, unless an extension of time is agreed to by the parties. The President shall transmit copies of the determination to all affiliates involved. He or she shall, at the same time, request any affiliate that the Impartial Umpire has found to be in violation of this Article to inform him or her as to what steps it intends to take to comply with such determination. Any response received, or the fact that no response has been received within a time fixed by the President, shall be communicated to the other parties to the dispute.

### **Section 11**

The President may extend any time limit if, in his or her judgment, such extension will more readily effectuate an early settlement or determination of a dispute. Whenever, in the judgment of the President, pressing reasons require an accelerated settlement or determination, he or she may shorten or eliminate the mediation process or refer the dispute directly to an Impartial Umpire.

### **Section 12**

If no appeal is filed from a determination of the Umpire within five days as provided below, the determination shall automatically go into full force and effect. Any affiliate that is adversely affected by a determination of the Umpire, and

that contends that the determination is not compatible with this Constitution, or is not supported by facts, or is otherwise arbitrary or capricious, may file an appeal with the President within five days after it receives the Umpire's determination. Any such appeal shall be referred by the President to a subcommittee of the Executive Council.

### **Section 13**

(a) The subcommittee of the Executive Council may disallow the appeal, in which event the determination of the Umpire shall be final, and subject to no further appeal and shall go into full force and effect; remand the case to the Impartial Umpire for further proceedings; or refer the appeal to the Executive Council Article XX Appeals Committee consisting of the President, the Secretary-Treasurer, the Executive Vice President and 12 Vice Presidents drawn from various sectors of the labor movement, in which event the determination of the Umpire shall be automatically stayed pending disposition of the appeal by the Committee.

(b) The 12 Vice Presidents on the Appeals Committee shall be nominated by the President and approved by the Executive Council and shall serve two-year terms. The President shall not nominate a Vice President to serve for more than two consecutive terms. A quorum shall consist of seven members of the Committee, at least one of whom is an Executive Officer.

(c) The Appeals Committee shall have full and final

## **Article XX: Settlement of Internal Disputes**

authority to establish its procedures, to issue preliminary orders and to affirm, reverse, amend or remand the Umpire's decision under appeal.

### **Section 14**

The Executive Council shall have full and final authority on its own motion or at the request of any affiliate to consider policy questions under Article XX and to issue from time to time policy statements having prospective effect on the implementation of Article XX, which statements shall, from the date issued, supersede inconsistent prior policy statements and case decisions.

### **Section 15**

(a) Any affected affiliate may file a complaint with the President that another affiliate has not complied with an effective determination of the Impartial Umpire or of the Executive Council on appeal. Upon receipt of such a complaint the President shall immediately convene a meeting of the subcommittee of the Executive Council referred to above.

(b) If non-compliance with the determination is found at such meeting, the President shall inform the non-complying affiliate of the action it must take in order to be in compliance and the date by which it must be in compliance. If the affiliate fails to come into compliance as so directed, the President shall notify each affiliated national or international union and trade and industrial depart-



ment, and each affected state and local central body, of such non-compliance.

### **Section 16**

Immediately upon the issuance of such notification, the following shall apply:

- (1) The non-complying affiliate shall not be entitled to file any complaint or appear in a complaining capacity in any proceeding under this Article;
- (2) The Federation shall, upon request, supply every appropriate assistance and aid to any organization resisting the action determined to be in violation of this Article;
- (3) The Federation shall appropriately publicize the fact that the affiliate is not in compliance with the Constitution;
- (4) No affiliate shall support or render assistance to the action determined to be in violation of this Article.

In addition, the Executive Council is authorized, in its discretion, to:

- (1) Deny to such an affiliate the use of any or all of the services or facilities of the Federation;

## **Article XX: Settlement of Internal Disputes**

- (2) Deny to such an affiliate any protection under any of the provisions or policy determinations of the Federation;
- (3) Apply any other authority vested in the Executive Council under this Constitution.

### **Section 17**

Any affiliate that has been found to be in non-compliance and that has been deprived of its rights under this Article may apply for restoration of such rights. Notice of such application shall be given to all of the affiliates involved in the determinations as to which there is non-compliance. If such affiliates consent, the President shall be authorized to restore the rights of the non-complying affiliate after it states its intention in writing to comply with the provisions of this Article. If any affiliate involved in the cases of non-compliance opposes the application, the rights of the non-complying affiliate shall be restored only under the following conditions:

- (1) The non-complying affiliate states its intention, in writing, to comply with the provisions of this Article;
- (2) The non-complying affiliate has undertaken whatever measures may be necessary and practicable to remedy the situation;

- (3) The application for restoration of rights is approved by a two-thirds vote of the Executive Council, or by a majority vote of the convention.

### **Section 18**

The President shall be authorized to delegate to such person or persons as he or she may designate any of his or her powers or functions under this Article except the authority granted by Sections 12, 15, and 17.

### **Section 19**

Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between all of the affiliates involved in or affected by the dispute, the provisions of such agreement shall be complied with prior to the invocation of the procedures provided in this Article. If such agreement provides for final and binding arbitration, and an affiliate party to such agreement claims that another such affiliate has not complied with a decision under that agreement, it may file a complaint under Section 15 of this Article and the procedures provided in this Article in the case of non-compliance shall be applicable. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between affiliates but involves or affects an affiliate not a party to such an agreement, the affiliate not a party to such agreement may invoke the procedures provided in this Article for the settlement and determination of such dispute.

## **Article XX: Settlement of Internal Disputes**

### **Section 20**

The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached under this Article, except that an affiliate, upon written authorization by the President, may take legal action to remedy non-compliance against an affiliate that has been found to be in non-compliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce a determination or remedy non-compliance against a former affiliate that has withdrawn or been suspended from the Federation.

### **Section 21**

Notwithstanding any other provision of this Constitution, this Article shall be subject to amendment by the convention by a majority vote of those present and voting either by a voice vote, rising vote, counted rising vote, or roll call if properly demanded as provided in Article IV, Section 18.

## **Article XXI: Organizing Responsibility Procedures**

### **Section 1**

In order to resolve organizing competition in those situations in which the competition may be detrimental to the best interest of the workers involved and the trade union movement, the Federation shall maintain a procedure for determining organizing responsibilities. This procedure shall not apply with respect to the organizing of employees doing building and construction industry work for an employer that is engaged primarily in that industry and that is covered by the National Labor Relations Act, as amended.

### **Section 2**

Any AFL-CIO affiliate that is actively engaged in organizing a group of employees and seeking to become their exclusive representative may invoke this Procedure to seek a determination affirming its ability to do so without being subject to ongoing competition by any other AFL-CIO affiliate. All affiliates that have taken steps or that there is a reason to believe are about to take steps to organize the same group of employees shall be notified of the commencement of the proceeding.

### **Section 3**

Each case initiated under this Article shall be referred to mediation unless all parties to the case waive mediation

## **Article XXI: Organizing Responsibility Procedures**

or unless the President determines that pressing reasons require elimination of the mediation process in a particular case. Any case not resolved through mediation shall be referred to an Umpire for a final and binding decision. The President shall appoint one or more permanent mediators and permanent Umpires to mediate and arbitrate cases arising under this procedure, subject to the approval of the Executive Council; and the President shall establish the mediators' and arbitrators' terms of employment. Where circumstances require, the President may appoint ad hoc mediators and ad hoc umpires to mediate and arbitrate cases and establish their terms of employment.

### **Section 4**

The Executive Council shall establish rules of procedure for the mediation and arbitration processes, including time limits (which the President may shorten or extend in a particular case where justified) for the commencement and conclusion of mediation and for the commencement and conclusion of arbitration. The Executive Council also shall establish guidelines stating the criteria the Umpire is to follow in deciding organizing responsibility proceedings. Where an affiliate proves that the criteria established by the Executive Council are satisfied, the Umpire shall issue an award in favor of that affiliate running for a period of one year or such shorter or longer period as the Umpire for good reason establishes. Where the criteria established by the Executive Council are not satisfied, the Umpire shall enter an award affirming that all interested affiliates are

free to seek to become the exclusive representative of the employee group in question.

### **Section 5**

(a) An affiliate in whose favor an award has been entered that believes that some other affiliate is not in compliance with that award may notify the President of the asserted non-compliance. The President shall immediately convene a meeting of a subcommittee of the Executive Council.

(b) If non-compliance is found by the subcommittee, the President shall inform the non-complying affiliate of the action it must take in order to be in compliance and the date by which it must be in compliance. If the affiliate fails to come into compliance as so directed, the President shall notify each affiliated national or international union and trade and industrial department, and each affected state and local central body, of such non-compliance.

### **Section 6**

Immediately upon the issuance of such notification, the non-complying affiliate shall not be entitled to invoke the Procedure for Determining Organizing Responsibilities until the non-compliance is remedied to the satisfaction of the President or a subcommittee of the Executive Council or until it is excused by the Executive Council by a two-thirds vote. The Federation shall, upon request, supply every appropriate assistance and aid to the affiliate in whose favor the Umpire issued the award. No affiliate

## **Article XXI: Organizing Responsibility Procedures**

shall support or render assistance to the action determined to be in violation of this Article. In addition, the Executive Council may, in its discretion, deny to the non-complying affiliate the use of any of the services or facilities of the Federation and apply any other authority vested in the Executive Council under the Constitution.

### **Section 7**

Where all the affiliates that are organizing or taking steps to organize a particular employee group are parties to a written agreement providing for the resolution of organizing responsibilities, the provisions of such agreement shall be complied with prior to invoking this Procedure. If such agreement provides for final and binding arbitration and an affiliate that is a party to such agreement claims that another such affiliate has not complied with a decision under that agreement, the aggrieved affiliate may file a complaint under Section 5 of this Article.

### **Section 8**

The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in



## **Article XXI: Organizing Responsibility Procedures**

this Article or to enforce any settlement or determination reached under this Article, except that an affiliate, upon written authorization by the President, may take legal action to remedy non-compliance against an affiliate that has been found to be in non-compliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce an award or remedy non-compliance against a former affiliate that has withdrawn or been suspended from the Federation.



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**AFL-CIO**

**815 16th St., NW  
Washington, DC 20006**

**[aflcio.org](http://aflcio.org)**

Richard L. Trumka  
*President*

Elizabeth H. Shuler  
*Secretary-Treasurer*

Tefere Gebre  
*Executive Vice President*